

REMARKS

This Amendment is submitted in response to the Office Action dated February 22, 2005, having a shortened statutory period set to expire May 22, 2005. In the present invention, Claims 1, 6, 13, 18, 24 and 29 are amended and Claims 4-5, 16-17, 27-28 are cancelled. Claims 1-3, 6-15, 18-26 and 29-34 are pending.

Note that the present amendment adds the previously claimed features in dependent claims to their respective base claims. No new matters are raised by the present amendment.

Applicants note with appreciation the teleconference held on March 30, 2005 with the Examiner. No agreement was reached during this teleconference.

REJECTION UNDER 35 U.S.C. § 103(a)

In Paragraph 4 of the present Office Action, Claims 1-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mori* (U.S. Patent No. 6,678,839 B2 - "*Mori*") in view of *Odenwald* (U.S. Patent No. 6,671,727 B1). Applicants respectfully traverse this rejection.

This same objection was presented in the non-final office action of August 31, 2004, to which Applicants responded with is a declaration under 37 C.F.R. § 1.131 swearing behind the cited art. The present office action found the declaration to be inadequate, primarily due to a lack of supportive documentation.

Section 715.07 of the MPEP states that unlike interference practice, "averments made under 37 CFR 1.131 affidavit or declaration do not require corroboration; an applicant may stand on his or her own affidavit if he or she so elects. *Ex parte Hook*, 102 USPQ 1230 (Bd. App. 1953)." The examiner, however, cites sections of the MPEP related to interference practice (including 2138.06) and a case from 1889 (*Ex parte Hunter*, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889) stating that "it is not enough merely to allege that applicant or patent owner

had been diligent" in reduction to practice. Specifically, the Examiner cites *Ex parte Hunter* against the Applicant's claim of diligence between the time of conception and constructive reduction to practice (filing the present patent application). However, *Ex parte Hunter* relates to diligence in actual reduction to practice, not constructive reduction to practice.

It is Applicants' position that the declaration filed with the Patent Office on November 30, 2004, meets the requirements of the MPEP.

Nonetheless, in an effort to advance the present application to allowance, Applicants have amended the independent pending claims with features previously presented in the November 30, 2004 amendment. Specifically, the presently amended independent claims now all include the feature of "reporting a fault condition in response to said enhanced logical address and said physical slot location of said selected device not being identical due to a connector defect at said physical slot location," as previously claimed in exemplary dependent Claim 5. (See for example page 4, lines 9-15 and page 6, lines 6-10 for support of this feature.) The cited prior art does not teach or suggest this limitation, including col. 2, lines 8-22, which was referenced by the Examiner during the March 30, 2005 teleconference. This passage relates to remapping addresses during a hot swap of a drive, and offers no suggestion of reporting a fault condition due to a connector defect.

As no new issues are raised by the present amendment, and as the cited prior art does not teach or suggest all of the limitations as presently claimed, Applicants respectfully request that the proposed amendments be entered and the pending claims be allowed.

CONCLUSION

Applicants now respectfully request a Notice of Allowance for all pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0465**.

Respectfully submitted,



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